

REMARKS

Formal Matters

In the specification, the bridging paragraph between pages 91-92 has been amended to remove the embedded weblink.

Claims 20, 22, 26-28 and 31-36 remain in this application. Claims 1-19, 21 and 23-25 have been canceled. Claim 26 is amended. The Examiner has acknowledged that claim 31 is directed to allowable subject matter. No new matter is added by the amendments.

In view of the Examiner's earlier restriction requirement, applicant retains the right to present withdrawn and cancelled subject matter in continuing prosecution.

Rejection Under 35 U.S.C. § 101

Claims 20, 22, 26-28 and 32-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sims et al., US2003/0091532.

Specifically, while the Examiner asserts that Sims et al. claims priority to 60/112,163, filed December 14, 1998, which predates Applicants' initial provisional filing of December 23, 1998.

Applicants respectfully submit that USSN 60/112,163, the document upon which Sims et al. relies for priority, does not disclose the claimed SEQ ID NO:5. As such, this Sims et al. can not be prior art to the disclosed invention.

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 20, 22, 26-28 and 32-36 under 35 U.S.C. § 102(e).

Appl. No.: 09/869,566
Amend. dated: October 31, 2007
Response Notice of Appeal mailed on: April 30, 2007

Patent Docket: P2534-3

SUMMARY

Claims 20, 22, 26-28 and 31-36 are pending in the application. Claims 1-19, 21 and 23-25 are canceled without prejudice to later prosecution.

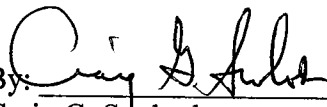
If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a five-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
GENENTECH, INC.

Date: October 31, 2007

By: 

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